

February 20, 2008

FILED

FEB 25 2008

TO: UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION  
211 South Court Street  
ROCKFORD, Illinois 61101

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

Frm: BENYEHUDAH WHITFIELD  
Pontiac Correctional Center  
IDOC # N74277  
700 West Lincoln Street  
P.O. Box 99  
Pontiac, Illinois 61764

08 C 50027

Re: Complaint (enclosed herewith): Whitfield v. McCaffrey, et al.

Attention Clerk:

You will find enclosed with this letter a Complaint I wish to file; which includes 2 additional copies of the Complaint, and 2 U.S.M.-285 Forms for each of the defendants (Denise A. McCaffrey, and Circuit Court of Lee County, Illinois).

I intend to seek leave to proceed In Forma Paupris with this Complaint (enclosed). Yesterday, I submitted to the Business Office (of the Facility I'm in) my In Forma Paupris Application and Financial Affidavit, along with a Certificate for the Business Office to complete and return to me, with a copy of my Trust Fund Statement. Soon as I receive the documents (back), I will mail them to the Court, along with Summons for each defendant.

Be advised that I recently filed a Complaint in this Court against the

very same defendants, alleging the same claims. See *Whitfield v. Circuit Court of Lee County, Illinois*, No: 06 C 50138. On March 5, 2007, the Court entered a Judgment in favor of the defendant(s), dismissing the Complaint.

Yesterday, I submitted a Rule 60 (b)(1) and (6) Motion to Vacate the Court's Judgment regarding the above case. If the Court grants me the relief I seek, I will move to voluntarily dismiss the new (enclosed) Complaint. As I've stated (on pp. 8-9) in the Complaint, since the Statute of Limitation requires me to refile the (enclosed) Complaint within a year after it was dismissed, although I ~~we~~ submitted the (above) motion to vacate, I would like to have the new (enclosed) Complaint filed now; in the event the Court does not make a ruling on my (above) motion before the Statute of Limitation expires to file the new (enclosed) Complaint.

I thank you for your attention regarding this matter. And, if you have any questions, feel free to contact me.

Sincerely  
BenYehudah Whitfield  
BenYehudah Whitfield